IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

FRIDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SEVEN.

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No. 18288 of 2007

Between:

Vallampatla Sudhakar s/o late Venktaiah
Aged 48 years, 0cc. Business,
R/o 9-1-132/1 (new), 9/554/1 (old)
Girmajipet, Warangal,
Warangal District & Anr. **… Petitioners**

Versus

The Authorised Officer/Br.Manager,
Under Act No.54 of 2002, State Bank of India,
Battal;a Bazaar, Warangal & Anr. **… Respondents**

Counsel for the Petitioner: **Sri A RAVINDER (2036)**

Counsel for the Respondents: **Sri DEEPAK BATTACHARJEE**

O R D E R :

On 30-8-2007 this Court issued Rule Nisi, call for records. Notice returnable in four weeks. Sri Deepak Bhattacharjee takes notice on behalf of the respondents.

In WPMP.No.23474 of 2007, this court made the following order:

> " Interim stay of all further proceedings including dispossession of the writ petitioner subject to the condition that the writ petitioner deposits a sum of Rs.50,000/- on or before 30-9-2007. Any default, committed in payment of this money will automatically render the interim order dissolved without any further reference to the court."

2. It is stated that the conditional order had been complied and the amount of Rs.50,000=00 (Rs. Fifty thousand only) had been deposited and the same is kept in fixed deposit in the name of the first petitioner.

3. It is stated that the writ petitioners are non-parties to the transaction in question. Counter-affidavit of respondents 1 and 2 is filed and several details had been narrated.

4. It is no doubt brought to the notice of this Court by the counsel for the second respondent that there is no justification for the writ petitioner to withdraw the writ petition at this stage and also permitting the writ petitioners to withdraw the amount, which

had already been deposited while complying the interim order made by this Court.

5. It is no doubt true that the writ petitioner had obtained interim order and while making interim order condition had been imposed and it is also true that the said condition had been complied with by the writ petitioners. However, it is stated that the title deeds are lying with the second respondent-banking institution.

6. In the light of the facts and circumstances, inasmuch as the counsel representing the writ petitioners prayed for permission to withdraw the writ petition with a liberty to withdraw the amount kept in fixed deposit in pursuance of the orders passed by this court. In the peculiar facts and circumstances, this Court is inclined to permit the writ petitioners to withdraw the writ petition and accordingly the writ petition is dismissed as withdrawn giving liberty to the first petitioner to withdraw the amount of Rs.50,000-00 (Rs. Fifty thousand only) deposited in pursuance of the interim direction made by this court on 30-8-2007 in WPMP.No.23474 of 2006 in WP.No.18288 of 2007.

7. With the above direction, the writ petition is dismissed as

withdrawn. No costs.

JUSTICE P . S .
NARAYANA .
16/11/2007.

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